

STATE OF MICHIGAN  
COURT OF APPEALS

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In the Matter of DA'QUORIS HORACE-LEE  
COTTLE, Minor.

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FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

LUTONYA IRIS COTTLE,

Respondent-Appellant,

and

JOHN DOE,

Respondent.

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UNPUBLISHED

July 24, 2007

No. 275408

Berrien Circuit Court

Family Division

LC No. 2005-000060-NA

Before: White, P.J., and Zahra and Fort Hood, JJ.

PER CURIAM.

Respondent Lutonya Iris Cottle appeals as of right from the trial court's order terminating her parental rights to the minor child pursuant to MCL 712A.19b(3)(c)(i), (g), and (j). We affirm.

The child was adjudicated a temporary court ward because respondent did not have a stable home, and she frequently left the child with other caregivers for lengthy periods. Additionally, respondent was involved in criminal activity and left a probation program without authorization. Respondent's only source of income was a Supplemental Security Income benefit, which she was in jeopardy of losing because she was no longer considered disabled and unable to work.

In order to terminate parental rights, the trial court must find that at least one of the statutory grounds for termination in MCL 712A.19b has been met by clear and convincing evidence. *In re McIntyre*, 192 Mich App 47, 50; 480 NW2d 293 (1991). We review the trial court's findings of fact under the clearly erroneous standard. MCR 3.977(J); *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989).

With respect to § 19b(3)(c)(i), although respondent resolved her substance abuse problem, other conditions that led to adjudication remained unresolved. Respondent was facing the loss of her SSI benefits and had no prospects of obtaining other benefits or employment to replace them. She failed to document her efforts to find a job, and she failed to avail herself of opportunities for employment counseling and training. She also failed to demonstrate that she had learned effective and responsible financial management. Additionally, respondent continued to involve herself in criminal activity, and her continued criminal conduct and probationary terms were interfering with her ability to provide consistent care for the child. Respondent's therapist also reported that respondent was not engaging in therapy to address her problems. Respondent also failed to show that she was able to meet the child's special medical and ordinary needs.

We reject respondent's argument that she should have been allowed more time to resolve her deficiencies. While respondent was successful in addressing her substance abuse problem, she made virtually no progress in resolving her income instability and irresponsible behavior after more than a year. The trial court could reasonably conclude that allowing respondent additional time would not bring her closer to reunification, and would only delay achieving permanence for the child. Accordingly, the trial court did not err in its findings with respect to § 19b(3)(c)(i).

The evidence that supports termination under § 19b(3)(c)(i) also supports termination under §§ 19b(3)(g) and (j). Respondent did not provide proper care for the child before he was removed. She left him with other caregivers for lengthy periods of time, and failed to attend to his medical needs. Respondent's continued inability to obtain a stable income, and her failure to avail herself of employment counseling opportunities, prove that she will remain unable to provide proper care and custody for the foreseeable future. Additionally, considering the child's special medical needs, it is likely that the child will be harmed if returned to respondent's care.

While respondent clearly loves the child and made attempts at meeting his needs, the trial court did not err in finding that the statutory grounds for termination were established by clear and convincing evidence.

Affirmed.

/s/ Helene N. White  
/s/ Brian K. Zahra  
/s/ Karen M. Fort Hood